

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

VAHAN JALADIAN, No. CIV S-04-1304-LKK-CMK-PP

**Plaintiff,**

**ORDER VACATING FINDINGS AND  
RECOMMENDATIONS**

CRIBBS<sup>1</sup>,

## Defendants.

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. On June 8, 2007, this court issued Findings and Recommendations (Doc. 51), recommending that this action be dismissed, without prejudice, for lack of prosecution and failure to comply with court rules and orders. The basis for this recommendation was plaintiff's failure to serve and file a pretrial statement by January 5, 2007, pursuant to an order filed September 14, 2006 (Doc. 48). In that order, plaintiff was warned that failure to comply may result in dismissal of this action.

Plaintiff has filed objections to the Findings and Recommendations. Plaintiff's objections indicate he is having difficulty complying with the court's orders due to his lack of

<sup>1</sup> Defendant Cribbs is the only remaining defendant. All other defendants have been dismissed on a motion for summary judgment that was granted in part. The clerk of the court is directed to update the caption of this case, and terminate all individual defendants, except Cribbs.

1 legal knowledge and the prison's reassignment of plaintiff to a different facility yard. In so far  
2 as plaintiff's objections indicate he may be having difficulty completing his pretrial statement  
3 due to being moved, the court will construe his objections as a request for additional time. The  
4 court will vacate the Findings and Recommendations filed on June 8, 2007, and plaintiff will  
5 have 60 days from the date of this order to comply with this court's September 14, 2006 order.  
6 Plaintiff shall file and serve a pretrial statement and any motions necessary to obtain the  
7 attendance of witnesses at trial on or before October 15, 2007. Plaintiff is again advised that  
8 failure to file a pretrial statement may result in the imposition of sanctions, including dismissal  
9 of this action.

10 Defendant filed a pretrial statement on January 22, 2007. Once the court receives  
11 plaintiff's pretrial statement, the court will review the statements and issue a pretrial order. A  
12 trial date will be set in the pretrial order. Plaintiff is cautioned again that the failure to file a  
13 pretrial statement within the time provided by this order may result in dismissal of the entire  
14 action. See Local Rule 11-110.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. The findings and recommendations filed June 8, 2007 (Doc. 51) are  
17 vacated;

18 2. Plaintiff shall file and serve a pretrial statement and any motions  
19 necessary to obtain the attendance of witnesses at trial on or before October 15, 2007; and

20 3. After receipt of plaintiff's pretrial statement, the court will issue a pretrial  
21 order and set a trial date.

22 DATED: August 15, 2007.

23   
24 CRAIG M. KELLISON  
25 UNITED STATES MAGISTRATE JUDGE  
26